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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 000884

SIPDIS

EUR/CARC AND DRL FOR WENDY SILVERMAN

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [AJ](#)

SUBJECT: AMBASSADOR DISCUSSES ELECTION ENVIRONMENT WITH
OSCE AND OSCE/ODIHR

Classified By: Ambassador Anne E. Derse, for reasons 1.4 (b,d).

11. (C) SUMMARY: On September 4 Ambassador Jose-Luis Herrero Ansola of the OSCE Office in Baku briefed OSCE member state ambassadors on the Office's election-related activities, including training for regional leaders (ExComs) on non-interference in the election and the importance of freedom of assembly. Ambassador Herrero also introduced Ambassador Boris Frlec, the head of the OSCE Office of Democratic Institutions and Human Rights Election Observation Mission for Azerbaijan, who reported that his mission's mandate is to observe and report on the election, but not to interfere. Separately, Ambassador Derse and Ambassador Frlec discussed the political climate in Azerbaijan, and the need for reforms in the area of freedom of the press, assembly and association. According to senior leaders at the Presidential Apparatus, Ambassador Frlec's operational plans have already begun to ruffle feathers within the GOAJ, who want to the opportunity to fix problems as they are observed, rather than wait to read about problems in a report. END SUMMARY

OSCE/ODIHR Briefing for Ambassadors

12. (C) On September 4 Ambassador Jose-Luis Herrero Ansola, head of the OSCE Office in Baku, briefed OSCE member states' ambassadors on the Office's election-related activities. The OSCE has completed five sessions with all heads of the regional Executive Commissions (ExComs) about the changes to the Election Code, focusing particularly on non-interference in the election process. Ambassador Herrero Ansola reported that members of the presidential administration participated in the sessions, and that the tone was "frank" with "no double language" on the responsibilities of the ExComs during the election period. On the negative side, Ambassador Herrero Ansola reported that there was inconsistency in levels of understanding among these local officials, including some "shocking opinions," but Herrero Ansola felt that the response to these comments "got through" to the ExComs.

13. (C) Ambassador Herrero Ansola also reported that the OSCE has conducted two sessions on the new freedom of assembly law, and will conduct two more with the legal heads of each region, also in conjunction with the presidential administration. Again, Herrero Ansola reported that the level of understanding of the reasons for demonstrations was varied, but the training focused on creating a bias towards allowing demonstrations unless the planned demonstration strictly violates the new law. The training also emphasized that ExComs should create lists of places in each municipality where demonstrations will be allowed, and that

these places must be in central locations where the demonstrations will get publicity. Ambassador Herrero Ansola also reported that the OSCE has created and distributed yellow vests for press to wear while covering events that will clearly identify them as separate from the event.

¶4. (C) Ambassador Herrero Ansola then introduced Ambassador Boris Frlec, the head of the OSCE Office of Democratic Institutions and Human Rights Election Observation Mission for Azerbaijan. Ambassador Frlec explained that the Observation Mission consists of a twelve-member core team, 28 long-term observers, and up to 450 short-term observers. Their task is to discover whether the election meets international standards, and not whether the election is "legitimate." The Observation Mission will observe the entire election process, including all election campaigns, media reporting, and the complaints and appeals process and report on its findings, but will not interfere in the conduct of the election. The Mission will issue two interim reports prior to the election, a "findings and conclusions" statement the day after the election, and a final report eight weeks after the election.

Ambassador Meets ODIHR Observation Mission Head

¶5. (C) In a separate meeting on September 8, the Ambassador and Ambassador Frlec discussed the political environment in Azerbaijan. Ambassador Frlec stated that there are many ways for a country to democratize, and that Azerbaijan has not chosen a direct path. Ambassador Frlec said that he

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understands, coming from a transitional country himself (Slovenia), that people in Azerbaijan are used to being commanded. He wondered how it was possible to change the tendency of lower level officials to want to "please the boss" with election results. Ambassador Frlec was impressed, however, by Azerbaijan's commitment to separating religion from the state. He asked the Ambassador for advice on the most important messages he should give to President Aliyev in his meeting next week. The Ambassador suggested a presidential statement condemning violence against journalists and for the loosening of restrictions on freedom of assembly and association. The Ambassador also stressed that the police should not use violence in controlling any demonstrations held around the election period.

Presidential Apparat Expresses Concern

¶6. (C) Ambassador Frlec's strict adherence to his mandate to observe and report on the election, but not to interfere in the election, has already begun to ruffle feathers within the GOAJ. Shahin Aliyev, head of the Legal Department of the Presidential Administration, asked for a meeting with the Deputy Chief of Mission on September 9 to complain about Ambassador Frlec's refusal to meet with anyone in the Presidential Apparat. Aliyev explained that the GOAJ wants to know about problems with the election, including the pre-election environment, as they occur, so that they can fix them before they appear in the international community's reports. Aliyev felt that he has had this type of relationship with previous OSCE/ODIHR missions, and was disappointed that this will not happen this year. Aliyev asked the Embassy to keep him informed of all of its observations of the election environment. He welcomed the Embassy passing information derived from its own observers as well as passed from local and international election monitors, including the controversial Election Monitoring Center, so that problems can be addressed immediately. (COMMENT: Ambassador Frlec confirmed to an Embassy official that he did meet with Shahin Aliyev shortly after the DCM's meeting, but it is not clear that their differences of opinion were resolved. END COMMENT.)

COMMENT

¶7. (SBU) Embassy will continue to work with the GOAJ, bilaterally and in conjunction with other missions and international institutions, at all levels to improve both the pre-election environment and the conduct of the voting and tabulation process on Election Day. Separate from ODIHR's mission, Embassy Baku plans to deploy small teams of embassy election observers around Baku and to the regions, discussing Election Day issues with domestic and international observers. Information gathered will be shared with the GOAJ, as well as Washington, in similar fashion to efforts in 2005 parliamentary elections and 2003 presidential elections. ODIHR, however, will abide by its own procedures, which are uniform throughout the region.

DERSE